

**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND (GREENBELT)**

JAMAL G. WALKER,
Plaintiff,

CASE NO. 8:16-cv-03926-RWT

vs.

TRANSUNION and
JAMES M. PECK,
Defendants.

**TRANS UNION, LLC'S ANSWER TO PLAINTIFF'S AMENDED COMPLAINT
AND AFFIRMATIVE DEFENSES**

Trans Union, LLC, improperly identified as Transunion LLC and Mr. James M. Peck CEO Trans Union, ("Trans Union"), by counsel, responds to Plaintiff's Amended Complaint (the "Complaint") as follows. For the Court's convenience, Plaintiff's allegations are set forth verbatim with Trans Union's responses immediately following.

The particulars of this case are:

1. Violation of FD CPA sec 807 (15 USC [sic] 1962e) [sic]

ANSWER: Trans Union denies the allegations contained in this paragraph.

2. Negligent and willful failure to reinvestigate the disputed entries in violation of sec 611(A) 616 and 617 of the FCRA, 15 USC [sic] 1681n [sic] 1681o [sic]

ANSWER: Trans Union denies the allegations contained in this paragraph.

3. Defamation [sic]

ANSWER: Trans Union denies the allegations contained in this paragraph.

4. punitive [sic] damages for denial of credit and high interest rates and demands judgment for relief.

ANSWER: Trans Union denies the allegations contained in this paragraph. Trans Union denies that Plaintiff is entitled to any damages, costs, fees or other relief from or against Trans Union.

AFFIRMATIVE DEFENSES

1. Plaintiff has failed to state a claim against Trans Union upon which relief may be granted.
2. Plaintiff's state law and common law claims are pre-empted by the Fair Credit Reporting Act, 15 U.S.C. § 1681, et seq.
3. Trans Union's reports concerning Plaintiff were true or substantially true.
4. Trans Union has at all times followed reasonable procedures to assure maximum possible accuracy of its credit reports concerning Plaintiff.
5. Plaintiff's claims are barred, in whole or in part, by the applicable statute of limitations.
6. Plaintiff's claims are barred, in whole or in part, by 15 U.S.C. §§ 1681h(e) and/or 1681t.
7. At all relevant times, Trans Union acted within the absolute and qualified privileges afforded it under the FCRA, the United States Constitution, applicable State Constitutions and the common law.
8. Plaintiff's claims are barred, in whole, or in part, by the equitable theories of estoppel, waiver and laches.
9. Plaintiff has failed to take reasonable steps to mitigate his damages, if any.
10. Plaintiff's damages are the result of acts or omissions committed by Plaintiff.
11. Plaintiff's damages are the result of acts or omissions committed by the other parties over whom Trans Union has no responsibility or control.

12. Plaintiff's damages are the result of acts or omissions committed by non-parties to this action over whom Trans Union has no responsibility or control.

13. Any claim for exemplary or punitive damages asserted by Plaintiff violates Trans Union's rights under the Due Process and Excessive Fines clauses of the Fifth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution and the analogous provisions of applicable State Constitutions and under the First Amendment of the United States Constitution and the analogous provisions of applicable State Constitutions.

14. Trans Union reserves the right to assert additional defenses as may become apparent through additional investigation and discovery.

WHEREFORE, Defendant Trans Union, LLC, by counsel, denies that Plaintiff is entitled to judgment or to any of the relief sought, and respectfully requests that judgment be entered in its favor and against Plaintiff on all counts set forth in the Amended Complaint, and that Trans Union, LLC, be awarded its costs incurred in defending this action, along with such other relief as this Court deems equitable and just.

Respectfully submitted,

s/ Robert J. Schuckit

Robert J. Schuckit, Esq. (MD #14125)

Schuckit & Associates, P.C.

4545 Northwestern Drive

Zionsville, IN 46077

Telephone: 317-363-2400

Fax: 317-363-2257

E-Mail: rschuckit@schuckitlaw.com

Lead Counsel for Defendant, Trans Union, LLC

H. Mark Stichel, Esq. (MD Federal Bar #02939)
Gohn Hankey Stichel & Berlage, LLP
201 North Charles Street, Suite 2101
Baltimore, MD 21201
Telephone: (410) 752-9300
Fax: (410) 752-2519
E-Mail: hmstichel@ghsllp.com

Local Counsel for Defendant, Trans Union, LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing has been filed electronically on the **27th day of December, 2016**. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's electronic filing.

None	
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The undersigned further certifies that a true copy of the foregoing was served on the following parties via First Class, U.S. Mail, postage prepaid, on the **27th day of December, 2016**, properly addressed as follows:

<u>Pro Se Plaintiff</u> Jamal G. Walker 10501 Babbling Brook Court Upper Marlboro, MD 20772	
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s/ Robert J. Schuckit

Robert J. Schuckit, Esq. (MD #14125)
Schuckit & Associates, P.C.
4545 Northwestern Drive
Zionsville, IN 46077
Telephone: 317-363-2400
Fax: 317-363-2257
E-Mail: rschuckit@schuckitlaw.com

Lead Counsel for Defendant, Trans Union, LLC